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Sponsored by: Collette, Chiles,
Rushefsky, & Wylie

First Reading: _____ Second Reading: _____

COUNCIL BILL NO. 2008 - GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Land Development Code, Article I, Zoning, Division V, Supplemental District
2 Regulations, Section 5-1000, Subsection 5-1006, On-Site Storage, Subsection 5-
3 1003.B and Section 2-1100, Definitions, concerning the placement, location and
4 registration of on-site storage trailers and storage containers within the City limits
5 of the City of Springfield; and amending Chapter 2, City Code, to adopt a
6 registration fee for processing on-site storage applications and fines for violation
7 of the on-site storage ordinance.
8 _____
9

10 WHEREAS, an amendment to Article I, Zoning, concerning the placement, location and
11 registration of on-site storage trailers and storage containers within the City limits of the City of
12 Springfield was initiated by City Council on July 24, 2006; and
13

14 WHEREAS, following proper notice, a public hearing was held before the Planning and
15 Zoning Commission on insert date, and the said Commission has made its
16 recommendation with respect to such an amendment which is contained within this bill; and
17

18 WHEREAS, proper notice was given of a public hearing before the City Council and that
19 said hearing was held in accordance with law.
20

21 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
22 SPRINGFIELD, MISSOURI, as follows, that:
23

24 Section 1 - The Land Development Code, Article I, Division II, Section 2-1100,
25 Definitions, is hereby amended by repealing the existing definition for Storage Container and
26 enacting in lieu thereof a new definition to be integrated into the code alphabetically, which shall
27 read as follows:
28

29 **Storage Container:** A container, including what is sometimes referred to as
30 storage "pods" or "portable on demand storage units"; any box van that has been
31 disconnected from a chassis; and similar intermodal type shipping/cargo containers.

containers is not considered outdoor or on-site storage. In the event that these principal uses place a storage trailer or storage container on the property for the purpose of either outdoor or on-site storage, they must comply with the provisions of this Article.

- E. Storage trailers and storage containers used as construction site offices, or for the storage of tools or building supplies needed for a construction project, or personal property of the owner or tenant of a building which is being remodeled, during the course of a project on a lot for which a valid building permit exists, are permitted without registration until the expiration of 30-days after a Certificate of Use and Occupancy has been issued by the City. The Director of Building Development Services may authorize the placement of a storage trailer or storage container used for a construction project on property other than the property where the construction project is located upon determining that the location is necessary and reasonable under the circumstances.
- F. The loading or unloading of a storage trailer or storage container in all non-residential zoning districts is permitted provided the storage trailer or storage container is located in an off-street loading area that meets requirements of Subsection 6-1304 of this Article.

5-1006.2 On-Site Storage, Permitted

- A. On-site storage is permitted in the GR, HC, RI, IC, HM, GM, and LI zoning districts, subject to the following restrictions, requirements and limitations.
1. All on-site storage on property in the GR, HC, RI, IC, HM, GM, and LI zoning districts must be registered with the Department of Building Development Services as defined below.
- a. An application for registration shall be completed and submitted to the Department of Building Development Services prior to the placement of any storage trailer or storage container to be used for recycling or on-site storage.
- b. In the event the storage trailer or storage container remains on-site for more than 30-days, all required registration fees must be paid within 30-days of the original date of placement on the property.
- c. The registration period shall be for a period of two (2) years from the date of approval of the registration.
- d. The registration shall expire if not renewed prior to the expiration of the registration period.
- e. The registration shall expire and be non-transferable at the time the ownership or tenant operating a business interest in the registration ceases to exist.

187
188 C. In GR, HC, RI, IC, and LI zoning districts, the total gross square footage of
189 storage trailers and storage containers used for on-site storage and recycling
190 shall be limited to no more than one-third (1/3) of the gross floor area of the
191 building being served by the on-site storage, but in no case shall the number
192 of storage trailers and storage containers exceed twenty (20) on any single
193 property.

194
195 D. Any property in a GM or HM zoning district is exempt from any limitation on
196 the number of storage trailers and storage containers used for on-site
197 storage and recycling, provided full compliance with all other location
198 requirements and use limitations is achieved.

199
200 E. Location Requirements and Use Limitations:

201
202 1. It shall be unlawful to locate on-site storage on property in such a
203 manner so as to occupy any required parking space, open space,
204 sight triangle, circulation aisle, setback, easement, detention area,
205 bufferyard, or perimeter landscaping as defined in this Article or in the
206 Design Standards for Public Improvements for the City of Springfield.

207
208 2. It shall be unlawful to locate on-site storage on property so as to be in
209 conflict with the Fire Code of the City of Springfield or any other
210 provisions of this Article.

211
212 3. It shall be unlawful to store hazardous materials in on-site storage
213 trailers or containers unless in compliance with the Building Code of
214 the City of Springfield. For the purposes of this subsection, each
215 storage trailer or storage container is defined as being a single control
216 area. This limitation is to be applied to each individual storage trailer
217 or storage container being used for on-site storage.

218
219 4. Any on-site storage trailer or storage container used for the purpose
220 of storing quantities of hazardous materials must be properly labeled
221 on the exterior in accordance with National Fire Protection Agency
222 (NFPA) guidelines indicating the level of health, flammability and
223 reactivity of the materials contained therein or placarded with the
224 appropriate United States Department of Transportation (US DOT)
225 placard if the materials stored are regulated by the US DOT. If in the
226 opinion of the Fire Chief or his representative the on-site storage of
227 these materials pose a significant threat to the health, welfare and
228 safety of any person, he may order the immediate removal or disposal
229 of said materials, or both. Every storage trailer and storage container
230 shall be clearly marked so that it is clear to all emergency response
231 personnel what hazard(s) may exist.

232
233 5. It shall be unlawful to use on-site storage for the storage, production
234 or manufacture of any controlled substance.

235
236 6. It shall be unlawful to have any utility services provided to a storage
237 trailer or storage container unless it has been converted into a
238

- 290 a. For the purposes of this subsection only, when the property in
291 question is a corner lot or a reversed corner lot, the rear yard
292 shall be defined as that portion of the lot to the rear of the main
293 entrance to the building being served by the on-site storage,
294 and
295
296 b. For the purposes of this subsection only, when the property in
297 question is a through lot, the rear yard shall be defined as that
298 portion of the lot to the rear of the main entrance to the building
299 being served by the on-site storage.
300
301 c. Only in the event that no on-site storage can legally be located
302 in the area previously defined in this subsection, may the
303 Director of Building Development Services permit an
304 alternative location for placement of on-site storage, that being
305 in that portion of a side yard located behind the front building
306 line of the building being served by the on-site storage,
307 provided the on-site storage is located a minimum of one
308 hundred and fifty feet (150'), measured radially from the
309 closest point of any primary structure located on an adjacent
310 property that can be visually observed from any portion of the
311 on-site storage and shall be placed in such a manner as to be
312 behind the front or side building lines of all adjacent buildings.
313 In addition, on-site storage must be located at least 125-feet
314 from any street.

315
316
317 18. In the RI, IC, HM, GM, and LI zoning districts, it shall be unlawful to
318 locate on-site storage in any location other than in the side yards or
319 rear yard, provided such on-site storage is screened from public
320 streets, designated arterials or greater street classifications, and
321 screened in accordance with one of the screening standards of
322 Subsection 6-1003 of this Article from other adjacent property, unless
323 the adjacent property is a RI, IC, HM, GM, or LI zoning district. All other
324 applicable requirements of Section 6-1000 shall be satisfied. In
325 addition, on-site storage must be located at least 100-feet from any
326 residential zoning district.
327

328 19. It is unlawful to place on-site storage on vacant property in a GM or
329 HM zoning district unless all of the following conditions are met:

- 330
331
332 a. The on-site storage is on a property, or multiple contiguous
333 properties, that are immediately adjacent to the property where
334 the building and use being served by the on-site storage is
335 located; and
336
337 b. The on-site storage specifically, and only, serves the building
338 and use on the adjacent property; and
339
340 c. The property upon which the on-site storage is placed must be
341 owned by the same person who owns the building being
342 served; and

- 393 G. Each storage trailer or storage container must be located so as to not be in
394 conflict with the Fire Code or any provision of this Article.
- 395
- 396 H. It shall be unlawful to have any utility services provided to a storage trailer or
397 storage container unless it has been converted into a building and meets all
398 provisions of this Article and all applicable Building Codes.
- 399
- 400 I. It shall be unlawful to have direct sales of any product or service from a
401 storage trailer or storage container.
- 402
- 403 J. It shall be unlawful to place signs on any storage trailer or storage container
404 unless in compliance with Section 5-1400 of this Article and as provided in
405 this subsection.
- 406
- 407 K. Signage advertising the company leasing or providing the storage trailer or
408 storage container is permitted on the storage trailer or storage container.
- 409
- 410 L. It shall be unlawful to store hazardous materials in the storage trailer or
411 storage container placed on the property unless said materials are inventory
412 being delivered to the business.
- 413
- 414

415 **5-1006.4 Residential Districts. It shall be unlawful to have On-site storage in all**
416 **residential zoning districts, unless in compliance with the following restrictions,**
417 **requirements and limitations of this subsection.**

418

- 419 A. The storage trailer or storage container must be registered with the Department
420 of Building Development Services prior to placement.
- 421
- 422 B. All on-site storage shall be removed prior to the expiration of thirty (30)
423 consecutive days after placement on the property.
- 424
- 425 C. The on-site storage must be located in a legal parking space on the property.
- 426
- 427 D. The on-site storage shall not be located within fifteen feet (15') of the edge of
428 pavement or back of curb of any street; and
- 429
- 430 E. The on-site storage shall not be located in any sight triangle of intersecting
431 rights-of-ways as defined in this Article.
- 432
- 433 F. Only one storage trailer or storage container may be located on a property at
434 any given time.
- 435
- 436 G. On-site storage shall not be used in conjunction with or associated with a
437 home occupation.
- 438
- 439 H. No property shall be permitted to register on-site storage more than twice in
440 any given 12-month period and any two registration periods must be
441 separated by a minimum of 60-days.
- 442

- 493 I. Signage advertising the company leasing or providing the recycling, storage
494 trailer or storage container is permitted on the storage trailer or storage
495 container.
- 496
- 497 J. All on-site storage must be removed from the property prior to the expiration of
498 thirty (30) consecutive days after placement on the property.
- 499
- 500 K. No property may be used for on-site storage more than twice in any given 12-
501 month period and any two registration periods must be separated by a minimum
502 of 60-days.
- 503
- 504 L. It shall be unlawful to store hazardous materials in the storage trailer or
505 storage container placed on the property.
- 506

507 **5-1006.6 Recycling Containers.** It shall be unlawful to use storage trailers and storage
508 containers as recycling containers in all non-residential zoning districts, except the GR, HC,
509 RI, IC, HM, GM, and LI zoning districts, unless in compliance with the following
510 restrictions, requirements and limitations of this subsection.

511

- 512 A. The storage trailer or storage container must be registered with the Department
513 of Building Development Services prior to placement.
- 514
- 515 B. The use of the storage trailer and storage containers is limited exclusively to
516 recycling tires, paper, cardboard and carpet.
- 517
- 518 C. The storage trailers and storage containers are identified with the words
519 "Recycling Container" affixed or painted on any surface/side that is visible from a
520 street or adjacent property, and such identification shall not exceed an effective
521 area of four (4) square feet per surface/side.
- 522
- 523 D. All on-site storage must be located on the property in such a manner so as to not
524 occupy setback, open space, sight triangle, easement, detention facilities,
525 bufferyard or perimeter landscaping areas as defined in this Article and in the
526 Design Standards for Public Improvements for the City of Springfield.
- 527
- 528 E. The total gross square footage of storage trailers and storage containers used for
529 recycling shall be limited to no more than one-third (1/3) of the gross floor area of
530 the building being served, but in no case shall the number of storage trailers and
531 storage containers used for recycling exceed (3) on any single property.
- 532
- 533 F. No storage trailer or storage container may be stacked one on top of another
534 storage trailer or storage container or on top of any building.
- 535
- 536 G. Each storage trailer or storage container must be located on the property in a
537 location that is in compliance with the Fire Code and this Article.
- 538
- 539 H. No storage trailer or storage container may be located in the front yard. All
540 storage trailers and storage containers must be a minimum of twenty-five (25)
541 feet from any street and a minimum of fifty (50) feet from any residential district.
- 542

d. The date the storage trailer or container is to be placed on the property.

B. The application for registration for those uses identified in subsection 5-1006.6 shall consist of:

1. An application for registration shall be completed and all fees paid prior to the placement of any storage trailer or storage container for the purpose of providing a container for recycling tires, paper, cardboard or carpet; and

2. The registration period shall be for a period of two (2) years from the date of placement of the container on the property; and

3. The registration must be renewed prior to the second anniversary of the registration; and

4. The application shall be on forms or in a format provided by the Department and, at a minimum, shall require the following information be provided.

a. The name, address and phone number of the responsible agent for the property owner, who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity. The responsible agent shall at all times have ownership or management responsibilities with respect to the property on which the storage trailer or storage container is placed or used.

b. The name, address, phone number and City of Springfield business license number of the business from which the recycling container is leased and the name, address and phone number of the responsible agent for that business, who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity.

c. The address of the property on which on-site storage is be located.

d. The date the storage trailer or container is to be placed on the property.

trailers and/or containers currently located on the property shall be removed within 24-hours of a finding that the allegation of this violation is true.

M. The Director shall have authority to obtain a search warrant based on probable cause pursuant to the procedures set forth in Chapter 74, Subsection 74-33 of the City Code, should a city inspector be denied the right to inspect the interior of any storage trailer or storage container.

N. The provider of any storage trailer or storage container must annually disclose the name, address and phone number of the responsible agent for said provider who shall be a natural person as opposed to a corporation, partnership, firm, joint venture, trust, association, organization or other entity. It is the responsibility of the responsible agent of the provider to notify the Department of Building Development Services within 30-days of any changes to the information required to be disclosed.

O. Presumption. The following legal presumptions are hereby established by operation of this ordinance: When a violation is alleged relating to Section 5-1006, a party named pursuant to provisions of this Section as a responsible agent, when one is so named, is presumed to be a person who committed the alleged violation. When a violation is alleged relating to Section 5-1006 whether or not a person has been identified as a responsible agent pursuant to provisions of this Section, the person who owns, occupies, controls, is a tenant of, or conducts business on the property where the violation is alleged to have occurred shall be presumed to be a person who committed the alleged violation. The operation of this Section shall not be construed to prohibit a finding that multiple parties jointly committed a single violation of the provisions of this Section. One or all of the foregoing presumptions may be defeated upon the showing of significant proof by the accused.

NOTE: Language to be added appears underscored.

Section 5 – Chapter 2 of the Springfield City Code is hereby amended to add a new subsection _____ to establish fees for certain services provided under this ordinance, said subsection to read as follows:

Two hundred dollars (\$200.00) for issuance of a site registration application required under the provisions of Chapter 36, Land Development Code, Article I, Zoning, Sections 5-1006.2 and 5-1006.6, et seq., On-Site Storage.

NOTE: Language to be added appears underscored.

Section 6 – Chapter 2 of the Springfield City Code is hereby amended to add a new subsection _____ to establish fines for violation of this ordinance, said subsection to read as follows:

The minimum fine for violation of the provisions of Chapter 36, Land Development Code, Article I, Zoning, Section 5-1006, On-Site Storage, shall not be less than \$50.00 per day per storage trailer or storage container.

NOTE: Language to be added appears underscored.